

IN THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT OF
VIRGINIA
Roanoke Division

DENIECE PAGANS, JANET SWEET,
SAFI M. RIAZ, BESSIE M. MCADAMS,
KEITH O. EDWARDS and PETER H.
DARGEL, individually and on behalf of all
other similarly situated,

Plaintiffs,

v.

ADVANCE STORES COMPANY,
INCORPORATED, THE BOARD OF
DIRECTORS OF ADVANCE STORES
COMPANY, INC. and THE
RETIREMENT COMMITTEE OF
ADVANCE AUTO PARTS, INC. 401(k)
PLAN,

Defendants.

Civil Case Action No. 7:21-cv-00549-MFU

Honorable Michael F. Urbanski

**PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS' FEES AND
REIMBURSEMENT OF EXPENSES AND PLAINTIFFS'
CASE CONTRIBUTION AWARDS**

Plaintiffs Janet Sweet, Safi M. Riaz, Bessie M. McAdams, Keith O. Edwards and Peter H. Dargel ("Plaintiffs"), participants in the Advance Auto Parts, Inc. 401(k) Plan (the "Plan"), hereby respectfully move this Court, pursuant to FED. R. CIV. P. 23, for an Order:

1. Granting class counsel attorneys' fees in the amount of amount of \$566,610.00, which represents approximately 33 1/3% of the settlement amount;
2. Directing reimbursement to Class Counsel in the amount of \$39,273.11 of expenses incurred in the prosecution of the action;
3. Awarding a case contribution award of \$10,000 to each of the Plaintiffs Janet

Sweet, Safi M. Riaz, Bessie M. McAdams, Keith O. Edwards and Pater H. Dargel; and

4. For such other relief as the Court may deem just and proper.

A proposed form of Order is submitted hereto. The grounds for this Motion are set forth in the following documents filed contemporaneously herewith:

A. Memorandum of Law In Support of Plaintiffs' Motion for Award of Attorneys' Fees and Reimbursement of Expenses, and Case Contribution Awards to Plaintiffs;

B. Declaration of Mark K. Gyandoh In Support of Plaintiffs' Motion for Final Approval of Settlement and In Support of Motion for An Award of Attorneys' Fees, Reimbursement of Expenses and Case Contribution Awards for Plaintiffs;

C. Declaration of Aaron B. Houchens In Support of Plaintiffs' Motion for Awards of Attorneys' Fees, Expenses and Service Awards for Plaintiffs;

D. Declaration of Andrew L. Fitzgerald In Support of Plaintiffs' Motion for Awards of Attorneys' Fees, Expenses and Service Awards for Plaintiffs;

E. Declaration of Named Plaintiff Janet Sweet In Support of Motion for Award of Attorneys' Fees, Reimbursement of Expenses, and Case Contribution Awards to Plaintiffs.

F. Declaration of Named Plaintiff Safi M. Riaz In Support of Motion for Award of Attorneys' Fees, Reimbursement of Expenses, and Case Contribution Awards to Plaintiffs.

G. Declaration of Named Plaintiff Bessie M. McAdams In Support of Motion for Award of Attorneys' Fees, Reimbursement of Expenses, and Case Contribution Awards to Plaintiffs.

H. Declaration of Named Plaintiff Keith O. Edwards In Support of Motion for Award of Attorneys' Fees, Reimbursement of Expenses, and Case Contribution Awards to Plaintiffs.

- I. Declaration of Named Plaintiff Peter H. Dargel In Support of Motion for Award of

Attorneys' Fees, Reimbursement of Expenses, and Case Contribution Awards to Plaintiffs.

DATED: June 5, 2024

CAPOZZI ADLER, P.C.

/s/ Mark K. Gyandoh

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Attorneys for Plaintiffs and the Proposed Class

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2024, a true and correct copy of the foregoing document was filed with the Court utilizing its ECF system, which will send notice of such filing to all counsel of record.

By: /s/ Mark K. Gyandoh
Mark K. Gyandoh, Esq.